

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD ALLEN JOHNSON,

Petitioner,

v.

Case No. 10-CV-14347
HON. GEORGE CARAM STEEH

THOMAS BIRKETT,

Respondent.

_____/

ORDER ACCEPTING REPORT AND RECOMMENDATION (#13).
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (#8).
AND DISMISSING PLAINTIFF'S PETITION

On October 18, 2011, petitioner filed this application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 6, 2011, respondent filed a motion for summary judgment, arguing that petitioner's habeas application is untimely. On September 8, 2011, Magistrate Judge Komives issued a twenty-two page report and recommendation that respondent's motion for summary judgment be granted and plaintiff's petition be dismissed as plaintiff's petition is untimely. The objection deadline has passed and no objections were filed. The court has reviewed the report and recommendation, and in the absence of timely objection,

The court hereby adopts Magistrate Judge Komives's September 8, 2011 report and recommendation, grants defendant's motion for summary judgment, and dismisses plaintiff's petition.

SO ORDERED.

Dated: October 5, 2011

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record by electronic and/or ordinary mail and upon Ronald Johnson #276495, Michigan Reformatory, 1342 West Main Street, Ionia, Michigan 48846.

s/Josephine Chaffee
Deputy Clerk